General Assembly

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Agenda item 76 (a)

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/64/L.15 and Add.1)]

64/71. Oceans and the law of the sea

The General Assembly,

Recalling its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 63/111 of 5 December 2008, and other relevant resolutions concerning the United Nations Convention on the Law of the Sea[1] (the Convention),

Having considered the report of the Secretary-General[2] and also the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea[3] (the Consultative Process) at its forth meeting,[4] on the nineteenth Meeting of States Parties to the Convention,[5] and the report entitled "Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects: the 'assessment of assessments'"[6],

Emphasizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as to the sustainable development of the oceans and seas,

Emphasizing also the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the

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[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] A/64/66 and Add.1 and 2.
[3] See A/64/131.
[4] SPLOS/203.
[5] A/64/88.

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United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[1]

Recognizing the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration,

Convinced that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas,

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Reiterating its deep concern at the serious adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, hydrothermal vents and seamounts, of certain human activities,

Emphasizing the need for the safe and environmentally sound recycling of ships,

Expressing deep concern at the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment,

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[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution I, annex II.

[2] See resolution 55/2.

Reiterating its serious concern at the current and projected adverse effects of climate change on the marine environment and marine biodiversity, and emphasizing the urgency of addressing this issue,

Expressing concern that climate change continues to increase the severity and incidence of coral bleaching throughout tropical seas and weakens the ability of reefs to withstand ocean acidification, which could have serious and irreversible negative effects on marine organisms, particularly corals, as well as to withstand other pressures, including overfishing and pollution,

Reiterating its deep concern at the vulnerability of the environment and the fragile ecosystems of the polar regions, including the Arctic Ocean and the Arctic ice cap, particularly affected by the projected adverse effects of climate change,

Recognizing that there is a need for a more integrated approach and to further study and promote measures for enhanced cooperation, coordination and collaboration relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Recognizing also that the realization of the benefits of the Convention could be enhanced by international cooperation, technical assistance and advanced scientific knowledge, as well as by funding and capacity-building,

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and encouraging further efforts towards electronic charting, which not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercraft, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

Noting with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities,

Noting the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the international community that coastal States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf ("the Commission"), and welcoming the submissions to the Commission by a considerable number of States Parties on the outer limits of their continental shelf beyond 200 nautical miles, that the Commission has continued to fulfil its role,

including of making recommendations to coastal States, and that the summaries of recommendations have been made publicly available,[9]

Noting also that many coastal States Parties have submitted preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, as provided for in the decision of the eighteenth Meeting of States Parties to the Convention regarding the workload of the Commission and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a),[10]

Noting further that some coastal States may continue to face particular challenges in relation to preparing and presenting submissions to the Commission,

Noting that financial and technical assistance may be sought by developing countries for activities in relation to preparing and presenting submissions to the Commission, including through the voluntary trust fund established by resolution 55/7 of 30 October 2000 for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, as well as other accessible international assistance,

Recognizing the importance of the trust funds established by resolution 55/7 in facilitating the participation of members of the Commission from developing States in the meetings of the Commission and in fulfilling the requirements of article 4 of annex II to the Convention, while noting with appreciation the recent contributions made to them,

Reaffirming the importance of the work of the Commission for coastal States and for the international community,

Recognizing the significant workload of the Commission in view of the large number of submissions already received and a number of submissions yet to be received, which places additional demands and challenges on its members and the secretariat as provided by the Secretary-General of the United Nations through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division"),

Noting with concern the projected timetable of the work of the Commission on the submissions already received by it and those yet to be received,[10] and, in this regard, the consequences of the duration of the sessions of the Commission and the meetings of its subcommissions,

Recognizing significant inequities and difficulties for States arising out of the projected timetable, including with respect to retaining expertise, when there is a considerable delay between preparation of submissions and their consideration by the Commission,

Recognizing also the need to take action to ensure that the Commission can perform its functions under the Convention expeditiously, efficiently and effectively, and maintain its high level of quality and expertise,

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[9] Available from www.un.org/Depts/los/index.htm.

[10] SPLOS/183.

[10] See SPLOS/203, paras. 81–83.

Welcoming the agreed outcome reflected in the report of the nineteenth Meeting of States Parties to the Convention regarding the workload of the Commission, and noting in particular the decision of the Meeting to continue to address the issues related to the workload of the Commission as a matter of priority, as well as the decision that its bureau would facilitate an informal working group to continue consideration of the issues related to the workload of the Commission,[11]

Recalling its decision, in resolutions 57/141 of 12 December 2002 and 58/240 of 23 December 2003, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the World Summit on Sustainable Development,[12] and noting the need for cooperation among all States to this end,

Recalling also the launching of the start-up phase of the "assessment of assessments" and noting the work carried out by the Group of Experts established pursuant to resolution 60/30 of 29 November 2005 under the guidance of the Ad Hoc Steering Group for the "assessment of assessments" and with the assistance of the lead agencies, the United Nations Environment Programme and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, and the support provided by other organizations and experts,

Recognizing the importance and the contribution of the work of the Consultative Process established by resolution 54/33 of 24 November 1999 to facilitate the annual review of developments in ocean affairs by the General Assembly,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997 and 54/33, and in this context the substantial increase in activities of the Division, in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings, its increasing capacity-building activities, the need for enhanced support and assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Reaffirming the importance of the work of the International Seabed Authority ("the Authority") in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Part XI Agreement"),[13]

Reaffirming also the importance of the work of the International Tribunal for the Law of the Sea ("the Tribunal") in accordance with the Convention,

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[11] Ibid., para. 98.

[12] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[13] United Nations, *Treaty Series*, vol. 1836, No. 31364.

I
Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 63/111, and other relevant resolutions concerning the Convention;[1]

2. *Also reaffirms* the unified character of the Convention and the vital importance of preserving its integrity;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Part XI Agreement;[1]

4. *Calls upon* States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[14]

5. *Calls upon* States to harmonize their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States Parties to the Convention that have not yet done so to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the entry into force of the 2001 Convention on the Protection of the Underwater Cultural Heritage on 2 January 2009,[15] and notes in particular the rules annexed thereto, which address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among Parties, their nationals and vessels flying their flag;

II
Capacity-building

9. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States,

[14] Ibid., vol. 2167, No. 37924.

[15] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October–3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24.

particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

10. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

11. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

12. *Also calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to strengthen capacity-building activities in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to promote effective compliance with, and implementation and enforcement of, their responsibilities under international law;

13. *Recognizes* the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, notes that the number of its graduates in 115 States confirms its effective capacity-building role in the field of international law, congratulates the Institute on the celebration of its twentieth anniversary, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute;

14. *Also recognizes* the importance of the World Maritime University of the International Maritime Organization as a centre for maritime education and research, confirms its effective capacity-building role in the field of maritime transportation, policy, administration, management, safety, security and environmental protection, as well as its role in the international exchange and transfer of knowledge, notes that almost 2,900 persons from 157 countries have graduated from the University since it was founded in 1983, welcomes the increasing number of students, and urges States, intergovernmental organizations and other bodies to make voluntary financial contributions to the University;

15. *Welcomes* ongoing activities for capacity-building so as to address maritime security and safety needs and the protection of the marine environment of developing States, and encourages States and international financial institutions to provide additional funding for capacity-building programmes, including for transfer of technology, including through the International Maritime Organization and other competent international organizations;

16. *Recognizes* the considerable need to provide sustained capacity-building assistance, including on financial and technical aspects, by relevant international organizations and donors to developing States, with a view to further strengthening their capacity to take effective measures against the multiple facets of international criminal activities at sea, in line with the relevant international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[16]

17. *Also recognizes* the need to build the capacity of developing States to raise awareness of, and support the implementation of, improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

18. *Further recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, as well as coastal African States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

19. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,[17] and recalls the important role of the secretariat of that Commission in the implementation and promotion of the Criteria and Guidelines;

20. *Calls upon* States to continue to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, multilateral levels, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State, and recalls that coastal States can make requests to the Commission for scientific and technical advice in the preparation of data for their submissions, in accordance with article 3 of annex II to the Convention;

21. *Calls upon* the Division to continue to disseminate information on relevant procedures related to the trust fund established for the purpose of facilitating the preparation of submissions to the Commission and to continue its dialogue with potential beneficiaries with a view to providing financial support to developing countries for activities to facilitate their submissions in accordance with the requirements of article 76 of the Convention and with the rules of procedure[18] and the Scientific and Technical Guidelines of the Commission;[19]

22. *Requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue to support training and other activities to assist developing States in the preparation and presentation of their submissions to the Commission;

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[16] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[17] See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

[18] CLCS/40/Rev.1.

[19] CLCS/11 and Corr.1 and Add.1 and Add.1/Corr.1.

23. *Notes with appreciation* the regional workshop of the Tribunal, held in Cape Town, South Africa, from 7 to 9 October 2009, on the role of the Tribunal in the settlement of disputes relating to the law of the sea;

24. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training and other activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others in a position to do so to contribute to the trust fund established by the Secretary-General for the Office of Legal Affairs to support the promotion of international law;

25. *Recognizes* the important contribution of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea to the capacity-building of developing countries and the promotion of the law of the sea, reiterates its serious concern regarding the continued lack of resources, which has prevented the implementation of the twenty-second and subsequent awards, advises the Secretary-General to continue to finance the Fellowship from resources made available through an appropriate Office of Legal Affairs trust fund, reiterates its urgent appeal to Member States and others in a position to do so to contribute generously to the further development of the Fellowship to ensure that it is awarded every year, and requests the Secretary-General to include the Fellowship on the list of trust funds for the United Nations Pledging Conference for Development Activities;

26. *Recognizes* the contribution that the United Nations-Nippon Foundation of Japan Fellowship Programme, which has awarded 50 fellowships to individuals from 44 Member States since 2005 and in April 2009 launched a fellowship alumni programme with an inaugural meeting of the Asia-Pacific alumni at the Foundation's headquarters in Tokyo, has made to human resources development for developing coastal States Parties and non-Parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

III
Meeting of States Parties

27. *Welcomes* the report of the nineteenth Meeting of States Parties to the Convention;[7]

28. *Requests* the Secretary-General to convene the twentieth Meeting of States Parties to the Convention, in New York from 14 to 18 June 2010, and to provide the services required;

IV
Peaceful settlement of disputes

29. *Notes with satisfaction* the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Part XI Agreement;

30. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

31. *Notes* that States Parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the

International Court of Justice any dispute concerning the interpretation or application of that agreement submitted in accordance with that agreement, and notes also the possibility, provided for in the statutes of the Tribunal and the Court, to submit disputes to a chamber;

32. *Encourages* States Parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Part XI Agreement, bearing in mind the comprehensive character of the dispute settlement mechanism provided for in Part XV of the Convention;

V
The Area

33. *Notes* the progress made by the Authority in its deliberations, urges the finalization at its sixteenth session of the regulations for prospecting and exploration for polymetallic sulphides, encourages progress on the regulations for prospecting and exploration for cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, for, inter alia, the protection and conservation of the natural resources of the Area, and for the prevention of damage to the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area;

34. *Also notes* the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment, respectively;

VI
Effective functioning of the Authority and the Tribunal

35. *Appeals* to all States Parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and also appeals to States Parties in arrears with their contributions to fulfil their obligations without delay;

36. *Urges* all States Parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to continue to pursue all options, including making concrete recommendations on the issue of dates, in order to improve attendance in Kingston and to ensure global participation;

37. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[20] and to the Protocol on the Privileges and Immunities of the Authority;[21]

38. *Emphasizes* the importance of the Tribunal's rules and staff regulations in promoting the recruitment of a geographically representative staff in the Professional and higher categories, and welcomes the actions taken by the Tribunal in observance of those rules and regulations;

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[20] United Nations, *Treaty Series*, vol. 2167, No. 37925.

[21] Ibid., vol. 2214, No. 39357.

VII

The continental shelf and the work of the Commission

39. *Recalls* that, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission set up under annex II to the Convention on the basis of equitable geographical representation, that the Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf, and that the limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding;

40. *Also recalls* that, in accordance with article 77, paragraph 3, of the Convention, the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation;

41. *Notes with satisfaction* that a considerable number of States Parties to the Convention have submitted information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention contained in SPLOS/72, paragraph (a);

42. *Also notes with satisfaction* that a considerable number of States Parties to the Convention have submitted to the Secretary-General, pursuant to the decision of the eighteenth Meeting of States Parties to the Convention,[2] preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended date of submission in accordance with the requirements of article 76 of the Convention and with the rules of procedure and the Scientific and Technical Guidelines of the Commission;

43. *Further notes with satisfaction* the progress in the work of the Commission[3] and that it is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles;

44. *Notes with satisfaction* that the Commission, taking into account the decision of the eighteenth Meeting of States Parties to the Convention,[4] has compiled lists of websites of organizations, data information portals and data holders where general information and publicly available scientific and technical data can be accessed that may be relevant to the preparation of submissions, and has made this information available on its website;[5]

45. *Takes note* of the recommendations made by the Commission on the submissions of a number of States, and welcomes the fact that summaries of recommendations are being made publicly available;[3]

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[2] SPLOS/183, para. 1 (a).

[3] See CLCS/62 and CLCS/64.

[4] SPLOS/183, para. 3.

[5] www.un.org/depts/los/clcs_new/clcs_home.htm.

46. *Notes* that consideration by the Commission of submissions by coastal States in accordance with article 76 of and annex II to the Convention is without prejudice to the application of other parts of the Convention by States Parties;

47. *Notes with concern* that the heavy workload of the Commission, owing to the considerable number of submissions, places additional demands on and challenges before its members and the secretariat as provided by the Division, and in that regard emphasizes the need to ensure that the Commission can perform its functions expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

48. *Takes note* of the decision of the nineteenth Meeting of States Parties to the Convention, as reflected in the report of the Meeting, to continue to address, as a matter of priority, issues related to the workload of the Commission, including funding for its members attending the sessions of the Commission and the meetings of the subcommissions, and, in particular, the decision that the bureau of the Meeting will facilitate an informal working group to continue consideration of the issues;[11]

49. *Reiterates* the duty of States under the Convention, whose experts are serving on the Commission, to defray the expenses of the experts they have nominated while in performance of Commission duties, and calls upon these States to do their utmost to ensure the full participation of those experts in the work of the Commission, including the meetings of subcommissions, in accordance with the Convention;

50. *Requests* the Secretary-General to continue to take appropriate measures, within overall existing resource levels, to further strengthen the capacity of the Division, serving as the secretariat of the Commission, including in the context of the proposed programme budget for the biennium 2010–2011, in order to ensure enhanced support and assistance to the Commission and its subcommissions in their consideration of submissions, as required by paragraph 9 of annex III to the rules of procedure of the Commission, in particular its human resources, taking into account the need for simultaneous work on several submissions;

51. *Urges* the Secretary-General to continue to provide all necessary secretariat services to the Commission in accordance with article 2, paragraph 5, of annex II to the Convention;

52. *Encourages* States to participate actively and contribute constructively to the ongoing work of the informal working group considering the issues related to the workload of the Commission, so that the Meeting of States Parties to the Convention may consider ways and means, including short-, medium- and long-term measures, to ensure that the Commission can perform its functions under the Convention expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

53. *Requests* the Secretary-General to consider the comments of the informal working group, which are invited as soon as possible before mid-February 2010, in the context of the update of the document entitled "Issues related to the workload of the Commission on the Limits of the Continental Shelf";[26]

[26] SPLOS/157.

54. *Encourages* States to make additional contributions to the voluntary trust fund established by resolution 55/7 for the purpose of facilitating the preparation of submissions to the Commission and to the voluntary trust fund also established by that resolution for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission;

55. *Approves* the convening by the Secretary-General of the twenty-fifth and twenty-sixth sessions of the Commission, in New York from 15 March to 23 April 2010 and from 2 to 27 August 2010, respectively, with full conference services for the plenary parts of these sessions,[7] and requests the Secretary-General to make every effort to meet these requirements within overall existing resources, on the understanding that the following periods will be used for the technical examinations of submissions at the Geographic Information System laboratories and other technical facilities of the Division: 15 March to 1 April 2010; 19 to 23 April 2010; and 2 to 13 August 2010;

56. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of coastal States in relevant proceedings concerning their submissions, and recognizes the continued need for active interaction between coastal States and the Commission;

57. *Encourages* States to continue exchanging views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating the preparation of submissions by States, in particular developing States, to the Commission;

58. *Notes* the number of submissions yet to be considered by the Commission, and in this regard stresses the urgent need for States Parties to the Convention to take appropriate and prompt steps that will allow the Commission to consider the increased number of submissions in a timely, efficient and effective manner;

59. *Requests* the Secretary-General, in cooperation with Member States, to continue supporting workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the need to strengthen capacity-building for developing countries in preparing their submissions;

VIII
Maritime safety and security and flag State implementation

60. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation, as well as maritime labour, and to adopt the necessary measures consistent with the Convention and other relevant international instruments aimed at implementing and enforcing the rules contained in those agreements, and emphasizes the need for capacity-building for and assistance to developing States;

61. *Recognizes* that the legal regimes governing maritime safety and maritime security may have common and mutually reinforcing objectives that may be interrelated and could benefit from synergies, and encourages States to take this into account in their implementation;

[7] From 5 to 16 April 2010 and from 16 to 27 August 2010.

62. *Emphasizes* that safety and security measures should be implemented with minimal negative effects on seafarers and fishers, especially in relation to their working conditions;

63. *Invites* States that have not yet done so to ratify or accede to the Maritime Labour Convention, 2006, the Work in Fishing Convention, 2007 (No. 188) and the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) of the International Labour Organization and to effectively implement those Conventions, and emphasizes the need to provide to States, at their request, technical cooperation and assistance in that regard;

64. *Emphasizes* the need for further efforts to promote a culture of safety and security in the shipping industry and to address the shortage of adequately trained personnel, notes the importance of the process in the International Maritime Organization to review the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978,[28] and urges the establishment of more centres to provide the required education and training;

65. *Welcomes* ongoing cooperation between the Food and Agriculture Organization of the United Nations, the International Maritime Organization and the International Labour Organization relating to the safety of fishers and fishing vessels, underlines the urgent need for continued work in that area, and takes note of discussions in the Food and Agriculture Organization of the United Nations on the merit of an international plan of action in this area;

66. *Encourages* continued cooperation between the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal[29] and the International Maritime Organization on regulations on the prevention of pollution from ships;

67. *Calls upon* States to participate in the diplomatic conference to be convened by the International Maritime Organization in 2010 on a protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996;

68. *Recalls* that all actions taken to combat threats to maritime security must be in accordance with international law, including the principles embodied in the Charter and the Convention;

69. *Recognizes* the crucial role of international cooperation at the global, regional, subregional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, and the prosecution of offenders with due regard to national legislation, and the need for sustained capacity-building to support such objectives;

70. *Notes* that piracy affects the entire range of vessels engaged in maritime activities;

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[28] United Nations, *Treaty Series*, vol. 1361, No. 23001.

[29] Ibid., vol. 1673, No. 28911.

71. *Emphasizes* the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and takes note of the important role of the International Maritime Organization;

72. *Calls upon* States to take appropriate steps under their national law to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy;

73. *Urges* all States, in cooperation with the International Maritime Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

74. *Invites* all States, the International Maritime Organization and the International Labour Organization to consider possible solutions for the seafarers and fishers who are victims of pirates;

75. *Takes note* of the ongoing cooperation between the International Maritime Organization, the United Nations Office on Drugs and Crime and the Division with respect to the compilation of national legislation on piracy;

76. *Welcomes* the significant decrease in the number of attacks by pirates and armed robbers in the Asian region through increased national, bilateral and trilateral initiatives as well as regional cooperative mechanisms, and calls upon other States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level on combating piracy and armed robbery against ships;

77. *Expresses serious concern* regarding continued increases in incidents of piracy and armed robbery at sea off the coast of Somalia, expresses alarm in particular at the hijacking of vessels, supports the recent efforts to address this problem at the global and regional levels, notes the adoption by the Security Council of resolutions 1816 (2008) of 2 June 2008, 1838 (2008) of 7 October 2008, 1846 (2008) of 2 December 2008 and 1851 (2008) of 16 December 2008 and also notes that the authorization in resolution 1816 (2008) and the provisions in resolutions 1838 (2008), 1846 (2008) and 1851 (2008) apply only to the situation in Somalia and do not affect the rights, obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores, in particular, the fact that they are not to be considered as establishing customary international law;

78. *Notes* the establishment of the Contact Group on Piracy off the Coast of Somalia on 14 January 2009, following the adoption of Security Council resolution 1851 (2008), and the ongoing efforts within the Contact Group, and commends contributions of all States in the efforts to fight piracy off the coast of Somalia;

79. *Recognizes* the importance of a comprehensive and sustainable settlement of the situation in Somalia and the primary role of the Transitional Federal Government in rooting out piracy and armed robbery against ships, and further re-emphasizes the need, in particular, to assist Somalia and States in the

region in strengthening capacity to fight piracy and armed robbery against ships off the coast of Somalia and bring to justice those involved in piracy and armed robbery at sea;

80. *Notes* the approval by the International Maritime Organization of revised recommendations to Governments for preventing and suppressing piracy and armed robbery against ships,[30] revised guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships[31] and the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships,[32] as well as the endorsement of Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia;[33]

81. *Invites* the Assembly of the International Maritime Organization to consider adopting a resolution on commitments to best management practices to avoid, deter or delay acts of piracy;

82. *Welcomes* the adoption on 29 January 2009 of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct)[34] under the auspices of the International Maritime Organization, the establishment of the International Maritime Organization Djibouti Code Trust Fund, a multi-donor trust fund initiated by Japan, and the ongoing activities for the implementation of the Code of Conduct;

83. *Urges* States to ensure the full implementation of resolution A.1002(25) of the International Maritime Organization on acts of piracy and armed robbery against ships in waters off the coast of Somalia;

84. *Calls upon* States that have not yet done so to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[35] invites States to consider becoming parties to the 2005 Protocols amending those instruments,[36] and urges States Parties to take appropriate measures to ensure the effective implementation of those instruments through the adoption of legislation, where appropriate;

85. *Calls upon* States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea,[37] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

86. *Urges* all States, in cooperation with the International Maritime Organization, to improve the protection of offshore installations by adopting measures related to the prevention, reporting and investigation of acts of violence

[30] See International Maritime Organization, document MSC.1/Circ.1333, annex.

[31] See International Maritime Organization, document MSC.1/Circ.1334, annex.

[32] International Maritime Organization, Assembly resolution A.1025(26).

[33] See International Maritime Organization, document MSC.1/Circ.1335.

[34] See International Maritime Organization, document C 102/14, annex, attachment I.

[35] United Nations, *Treaty Series*, vol. 1678, No. 29004.

[36] International Maritime Organization, documents LEG/CONF.15/21 and 22.

[37] International Maritime Organization, documents SOLAS/CONF.5/32 and 34, as well as resolution MSC.202(81) introducing the long-range identification and tracking of ships system.

against installations, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

87. *Emphasizes* the progress in regional cooperation, including the efforts of littoral States, on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore, and the effective functioning of the Cooperative Mechanism on safety of navigation and environmental protection to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders in line with article 43 of the Convention, and notes with appreciation the convening of the second Cooperation Forum and second Project Coordination Committee meeting, in Singapore from 14 to 16 October 2009, and the fourth Aids to Navigation Fund Committee Meeting, in Malaysia on 19 and 20 October 2009, the three events being key pillars of the Cooperative Mechanism, and the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, and calls upon States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level;

88. *Recognizes* that some transnational organized criminal activities threaten legitimate uses of the oceans and endanger the lives of people at sea;

89. *Notes* that transnational organized criminal activities are diverse and may be interrelated in some cases and that criminal organizations are adaptive and take advantage of the vulnerabilities of States, in particular coastal and small island developing States in transit areas, and calls upon States and relevant intergovernmental organizations to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants and trafficking in persons, in accordance with international law;

90. *Recognizes* the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances, within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants and trafficking in persons and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;[38]

91. *Calls upon* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[39] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[40] and to take appropriate measures to ensure their effective implementation;

92. *Calls upon* States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular the Convention;

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[38] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[39] Ibid., vol. 2241, No. 39574.

[40] Ibid., vol. 2237, No. 39574.

93. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation to keep such straits safe, secure and environmentally protected and open to international navigation at all times, consistent with international law, in particular the Convention;

94. *Calls upon* user States and States bordering straits used for international navigation to continue to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships, and welcomes developments in this regard;

95. *Calls upon* States that have accepted the amendments to regulation XI-1/6 of the International Convention for the Safety of Life at Sea, 1974,[41] to implement the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident,[42] which will take effect on 1 January 2010;

96. *Calls upon* States to consider becoming members of the International Hydrographic Organization, and urges all States to work with that Organization to increase the coverage of hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, especially in areas used for international navigation, in ports and where there are vulnerable or protected marine areas;

97. *Encourages* States to continue their efforts in the implementation of all areas of the Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors of the International Atomic Energy Agency in March 2004;[43]

98. *Notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law, that States should maintain dialogue and consultation, in particular under the auspices of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials, that States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns, and that these concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;

99. *Acknowledges*, in the context of paragraph 98 above, the potential environmental and economic impacts of maritime incidents and accidents on coastal

[41] International Maritime Organization, document MSC 84/24/Add.1, annex 3, resolution MSC.257(84).

[42] See International Maritime Organization, document MSC 84/24/Add.1, annex 1, resolution MSC.255(84).

[43] Available from www-ns.iaea.org/downloads/rw/action-plans/transport-action-plan.pdf.

States, in particular those related to the transport of radioactive materials, and emphasizes the importance of effective liability regimes in that regard;

100. *Encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;[44]

101. *Invites* States that have not yet done so to consider becoming parties to the Nairobi International Convention on the Removal of Wrecks, 2007;[45]

102. *Requests* States to take appropriate measures with regard to ships flying their flag or of their registry to address hazards that may be caused by wrecks and drifting or sunken cargo to navigation or the marine environment;

103. *Calls upon* States to ensure that masters on ships flying their flag take the steps required by relevant instruments[46] to provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[47] and to the International Convention for the Safety of Life at Sea[48] relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[49]

104. *Recognizes* that all States must fulfil their search and rescue responsibilities and the ongoing need for the International Maritime Organization and other relevant organizations to assist, in particular, developing States both to increase their search and rescue capabilities, including through the establishment of additional rescue coordination centres and regional subcentres, and to take effective action to address, to the extent feasible, the issue of unseaworthy ships and small craft within their national jurisdiction;

105. *Welcomes* the ongoing work of the International Maritime Organization in relation to disembarkation of persons rescued at sea, and notes in this regard the need to implement all relevant international instruments;

106. *Calls upon* States to continue to cooperate in developing comprehensive approaches to international migration and development, including through dialogue on all their aspects;

107. *Reaffirms* that flag, port and coastal States all bear responsibility for ensuring the effective implementation and enforcement of international instruments relating to maritime security and safety, in accordance with international law, in particular the Convention, and that flag States have primary responsibility that requires further strengthening, including through increased transparency of ownership of vessels;

108. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and

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[44] International Maritime Organization, Assembly resolution A.949(23).

[45] International Maritime Organization, document LEG/CONF.16/19.

[46] The International Convention for the Safety of Life at Sea, 1974, the International Convention on Maritime Search and Rescue, 1979, as amended, the United Nations Convention on the Law of the Sea, 1982, and the International Convention on Salvage, 1989.

[47] International Maritime Organization, document MSC 78/26/Add.1, annex 5, resolution MSC.155(78).

[48] International Maritime Organization, document MSC 78/26/Add.1, annex 3, resolution MSC.153(78).

[49] International Maritime Organization, document MSC 78/26/Add.2, annex 34, resolution MSC.167(78).

implementation and enforcement of, their responsibilities under international law, in particular the Convention, and, until such action is taken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

109. *Recognizes* that international shipping rules and standards adopted by the International Maritime Organization in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction in maritime accidents and pollution incidents, and encourages all States to participate in the Voluntary International Maritime Organization Member State Audit Scheme;[50]

110. *Also recognizes* that maritime safety can also be improved through effective port State control, the strengthening of regional arrangements and increased coordination and cooperation among them, and increased information-sharing, including among safety and security sectors;

111. *Encourages* flag States to take appropriate measures sufficient to achieve or maintain recognition by intergovernmental arrangements that recognize satisfactory flag State performance, including, as appropriate, satisfactory port State control examination results on a sustained basis, with a view to improving quality shipping and furthering flag State implementation of relevant instruments under the International Maritime Organization as well as relevant goals and objectives of the present resolution;

IX
Marine environment and marine resources

112. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment;

113. *Notes* the work of the Intergovernmental Panel on Climate Change, including its findings on the acidification of oceans, and in this regard encourages States and competent international organizations and other relevant institutions, individually and in cooperation, to urgently pursue further research on ocean acidification, especially programmes of observation and measurement, noting in particular paragraph 4 of decision IX/20 adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Bonn, Germany, from 19 to 30 May 2008,[51] and to increase national, regional and international efforts to address levels of ocean acidity and the negative impact of such acidity on vulnerable marine ecosystems, particularly coral reefs;

114. *Encourages* States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better

[50] International Maritime Organization, Assembly resolution A.946(23).

[51] See UNEP/CBD/COP/9/29, annex I.

understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation;

115. *Encourages* States that have not yet done so to ratify or accede to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and pathogens and marine pollution from all sources, including the dumping of wastes and other matter, and other forms of physical degradation, as well as agreements that provide for preparedness for, response to and cooperation on pollution incidents and that include provisions on liability and compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with international law, including the Convention, aimed at implementing and enforcing the rules contained in those agreements;

116. *Encourages* States, directly or through competent international organizations, to consider the further development, as appropriate and consistent with international law, including the Convention, of environmental impact assessment processes covering planned activities under their jurisdiction or control that may cause substantial pollution of, or significant and harmful changes to, the marine environment;

117. *Encourages* States to become parties to regional seas conventions addressing the protection and preservation of the marine environment;

118. *Also encourages* States, in accordance with international law, including the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

119. *Recognizes* the importance of improving understanding of the impact of climate change on the ocean, and expresses appreciation to the Government of Indonesia for holding the World Ocean Conference in Manado, Indonesia, from 11 to 15 May 2009, at which the Manado Ocean Declaration was adopted;

120. *Welcomes* the activities of the United Nations Environment Programme relating to marine debris carried out in cooperation with relevant United Nations bodies and organizations, and encourages States to further develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

121. *Urges* States to integrate the issue of marine debris into national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and encourages States to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes for marine debris;

122. *Notes* the work of the International Maritime Organization to prevent pollution by garbage from ships, including the current review by the Marine Environment Protection Committee of the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, on the prevention of pollution by garbage from

ships, and encourages States and relevant international organizations to contribute to this work through participation in the relevant processes of the Committee;

123. *Encourages* States that have not done so to become parties to the Protocol of 1997 (Annex VI-Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Protocol"), and furthermore to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004,[52] thereby facilitating its early entry into force;

124. *Takes note* of the adoption of amendments to the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, to reduce harmful emissions from ships;

125. *Notes* the ongoing work of the International Maritime Organization in accordance with its resolution on International Maritime Organization policies and practices related to the reduction of greenhouse gas emissions from ships;[53]

126. *Urges* States to cooperate in correcting the shortfall in port waste reception facilities in accordance with the action plan to address the inadequacy of port waste reception facilities developed by the International Maritime Organization;[54]

127. *Recognizes* that most of the pollution load of the oceans emanates from land-based activities and affects the most productive areas of the marine environment, and calls upon States as a matter of priority to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[55] and to take all appropriate measures to fulfil the commitments of the international community embodied in the Beijing Declaration on Furthering the Implementation of the Global Programme of Action;[56]

128. *Expresses its concern* regarding the spreading of hypoxic dead zones in oceans as a result of eutrophication fuelled by riverine run-off of fertilizers, sewage outfall and reactive nitrogen resulting from the burning of fossil fuels and resulting in serious consequences for ecosystem functioning, and calls upon States to enhance their efforts to reduce eutrophication and, to this effect, to continue to cooperate within the framework of relevant international organizations, in particular the Global Programme of Action;

129. *Calls upon* all States to ensure that urban and coastal development projects and related land-reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities;

130. *Notes* the agreement of the twenty-fifth session of the United Nations Environment Programme Governing Council/Global Ministerial Environment

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[52] International Maritime Organization, document BWM/CONF/36, annex.

[53] International Maritime Organization, Assembly resolution A.963(23).

[54] International Maritime Organization, document MEPC 53/9/1, annex 1.

[55] See A/51/116, annex II.

[56] UNEP/GPA/IGR.2/7, annex V.

Forum, held in Nairobi from 16 to 20 February 2009, on a process and timetable for the negotiation of a global legally binding instrument on mercury, to reduce the risks to human health and the environment arising from worldwide emissions and discharges of mercury;

131. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration[32] and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation")[33] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[34]

132. *Recalls* the resolution of the thirtieth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Convention")[35] and the third Meeting of Contracting Parties to the London Protocol, held from 27 to 31 October 2008, on the regulation of ocean fertilization,[36] in which the Contracting Parties agreed, inter alia, that the scope of the London Convention and Protocol includes ocean fertilization activities and that, given the present state of knowledge, ocean fertilization activities other than for legitimate scientific research should not be allowed, and that scientific research proposals should be assessed on a case-by-case basis using an assessment framework to be developed by the scientific groups under the London Convention and Protocol, and also agreed that, to this end, such other activities should be considered as contrary to the aims of the London Convention and Protocol and should not currently qualify for any exemption from the definition of dumping in article III, paragraph 1(b), of the London Convention and article 1, paragraph 4.2, of the London Protocol;

133. *Also recalls* decision IX/16 C,[37] adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity,[38] in which the Conference of the Parties, inter alia, bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention and Protocol, requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities were not carried out until there was an adequate scientific basis on which to justify such activities, including an assessment of associated risks, and that a global, transparent and effective control and regulatory mechanism was in place for those activities, with the exception of small-scale scientific research studies within coastal waters, and stated that such studies should be authorized only if justified by the need to gather specific scientific data, should be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment, should be strictly controlled and should not be used for generating and selling carbon offsets or for any other commercial purposes;

134. *Reaffirms* paragraph 119 of resolution 61/222 of 20 December 2006 regarding ecosystem approaches and oceans, including the proposed elements of an

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[32] See UNEP/GC.25/17, annex I, decision 25/5.

[33] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[34] International Maritime Organization, document LC 30/16, annex 5, and document LC-LP.1/2008.

ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach, and in this regard

(*a*) Notes that continued environmental degradation in many parts of the world and increasing competing demands require an urgent response and the setting of priorities for management actions aimed at conserving ecosystem integrity;

(*b*) Notes that ecosystem approaches to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, including those contained in the Millennium Declaration, and conserve marine biodiversity;

(*c*) Recalls that States should be guided in the application of ecosystem approaches by a number of existing instruments, in particular the Convention, which sets out the legal framework for all activities in the oceans and seas, and its implementing Agreements, as well as other commitments, such as those contained in the Convention on Biological Diversity[50] and the World Summit on Sustainable Development call for the application of an ecosystem approach by 2010;

(*d*) Encourages States to cooperate and coordinate their efforts and take, individually or jointly, as appropriate, all measures, in conformity with international law, including the Convention and other applicable instruments, to address impacts on marine ecosystems within and beyond areas of national jurisdiction, taking into account the integrity of the ecosystems concerned;

135. *Invites* competent organizations and bodies that have not yet done so to examine the possibility of incorporating ecosystem approaches into their mandates in order to address impacts on marine ecosystems;

136. *Invites* States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with, and assistance to, developing States, in particular least developed countries and small island developing States, as well as coastal African States, with a view to better integrating into national policies and programmes sustainable and effective development in the marine sector;

137. *Encourages* the competent international organizations, the United Nations Development Programme, the World Bank and other funding agencies to consider expanding their programmes within their respective fields of competence for assistance to developing countries and to coordinate their efforts, including in the allocation and application of Global Environment Facility funding;

138. *Notes* the information provided in the study prepared by the Secretariat[51] in relation to the assistance available to and measures that may be taken by developing States, in particular the least developed countries and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans, as provided by States and competent international organizations and global and regional funding agencies, and urges them to provide further information for the

[50] United Nations, *Treaty Series*, vol. 1760, No. 30619.

[51] A/63/342.

annual report of the Secretary-General and for incorporation on the website of the Division;

139. *Takes note* of the adoption by the International Conference on the Safe and Environmentally Sound Recycling of Ships, held in Hong Kong, China, from 11 to 15 May 2009, of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, and six resolutions related thereto,[82] and encourages States to ratify or accede to this Convention to facilitate its early entry into force;

140. *Also takes note* of the role of the Basel Convention[83] in protecting the marine environment against the adverse effects which may result from such wastes;

X
Marine biodiversity

141. *Reaffirms* its role relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work of States and relevant intergovernmental organizations and bodies on those issues, and invites them to contribute to its consideration of these issues within the areas of their respective competences;

142. *Notes* the discussion on the relevant legal regime on marine genetic resources in areas beyond national jurisdiction in accordance with the Convention, and calls upon States to further consider this issue in the context of the mandate of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction ("the Ad Hoc Open-ended Informal Working Group"), with a view to making further progress on this issue;

143. *Recognizes* the abundance and diversity of marine genetic resources and their value in terms of the benefits, goods and services they can provide;

144. *Also recognizes* the importance of research on marine genetic resources for the purpose of enhancing the scientific understanding, potential use and application, and enhanced management of marine ecosystems;

145. *Encourages* States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research, taking into account, in particular, the need to create greater taxonomic capabilities;

146. *Reaffirms its request* to the Secretary-General to convene a meeting of the Ad Hoc Open-ended Informal Working Group in accordance with paragraphs 127 to 130 of resolution 63/111, to take place from 1 to 5 February 2010, to provide recommendations to the General Assembly;

147. *Takes note* of the report of the Secretary-General relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, prepared in response to the request contained in paragraph 128 of resolution 63/111;[3]

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[82] See International Maritime Organization, documents SR/CONF/45 and SR/CONF/46, attachment.

[83] A/64/66/Add.2.

148. *Invites* States to further consider, at the upcoming meeting of the Ad Hoc Open-ended Informal Working Group, in the context of its mandate, issues of marine protected areas and environmental impact assessment processes;

149. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity[64] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity,[65] as well as the relevant decisions adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity;[66]

150. *Reaffirms* the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

151. *Calls upon* States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

152. *Calls upon* States to strengthen, in a manner consistent with international law, in particular the Convention, the conservation and management of marine biodiversity and ecosystems and national policies in relation to marine protected areas;

153. *Reaffirms* the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention, and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

154. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools, such as the establishment of marine protected areas consistent with international law, as reflected in the Convention, and based on scientific information, including representative networks, by 2012,[12] and notes with satisfaction that the Conference of the Parties to the Convention on Biological Diversity at its ninth meeting adopted scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats and the scientific guidance for selecting areas to establish representative networks of marine protected areas, including in open-ocean waters and deep-sea habitats, and took note of the four initial steps to be considered in the development of representative networks of marine protected areas;[66]

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[64] See A/51/312, annex II, decision II/10.

[65] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

[66] UNEP/CBD/COP/9/29, annex I, decision IX/20, annexes I–III.

155. *Also notes* the work of the expert workshop of the Convention on Biological Diversity on scientific and technical guidance on the use of biogeographic classification systems and identification of marine areas beyond national jurisdiction in need of protection, held in Ottawa from 29 September to 2 October 2009;[67]

156. *Encourages* States to foster progress in the implementation of the 2012 target for the establishment of marine protected areas, including representative networks, and calls upon States to further consider options to identify and protect ecologically or biologically significant areas, consistent with international law and on the basis of the best available scientific information;

157. *Acknowledges* the Micronesia Challenge, the Eastern Tropical Pacific Seascape project, the Caribbean Challenge and the Coral Triangle Initiative, which in particular seek to create and link domestic marine protected areas to better facilitate ecosystem approaches, and reaffirms the need for further international cooperation, coordination and collaboration in support of such initiatives;

158. *Reiterates its support* for the International Coral Reef Initiative, takes note of the International Coral Reef Initiative General Meeting, held in Phuket, Thailand, from 20 to 23 April 2009, and supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs;

159. *Encourages* States and relevant international institutions to improve efforts to address coral bleaching by, inter alia, improving monitoring to predict and identify bleaching events, supporting and strengthening action taken during such events and improving strategies to manage reefs to support their natural resilience and enhance their ability to withstand other pressures, including ocean acidification;

160. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

161. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

162. *Encourages* further research, studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division to continue to compile the peer-reviewed scientific studies it receives from Member States and intergovernmental organizations pursuant to paragraph 107 of resolution 61/222 and, as appropriate, to make them, or references and links to them, available on its website;

163. *Welcomes* 2010 as the International Year of Biodiversity;[68]

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[67] See UNEP/CBD/EW-BCS&IMA/1/2.

[68] See resolution 61/203.

XI
Marine science

164. *Calls upon* States, individually or in collaboration with each other or with relevant international organizations and bodies, to continue to strive to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

165. *Notes* the contribution of the Census of Marine Life to marine biodiversity research, and encourages participation in the initiative;

166. *Takes note with appreciation* of the work of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, with the advice of the Advisory Body of Experts on the Law of the Sea, on the development of procedures for the implementation of Parts XIII and XIV of the Convention, and notes further the resolutions adopted by the Oceanographic Commission in this regard;

167. *Encourages* the Advisory Body of Experts to continue its work, in cooperation with the Division, on the practice of Member States related to marine scientific research and transfer of marine technology within the framework of the Convention;

168. *Notes with appreciation* the work carried out by the Group of Experts at its meeting held in New York from 20 to 24 April 2009, to assist the Division in the revision of the publication entitled *Marine Scientific Research: A guide to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea*,[69] and further notes that, consistent with such work, the revised version is scheduled to be issued as a publication of the United Nations in 2010;

169. *Stresses* the importance of increasing the scientific understanding of the oceans-atmosphere interface, including through participation in ocean observing programmes and geographic information systems, such as the Global Ocean Observing System, sponsored by the Intergovernmental Oceanographic Commission, the United Nations Environment Programme, the World Meteorological Organization and the International Council for Science, particularly considering their role in monitoring and forecasting climate change and variability and in the establishment and operation of tsunami warning systems;

170. *Takes note with appreciation* of the progress made by the Intergovernmental Oceanographic Commission and Member States towards the establishment of regional and national tsunami warning and mitigation systems, welcomes the continued collaboration of the United Nations and other intergovernmental organizations in this effort, and encourages Member States to establish and sustain their national warning and mitigation systems, within a global, ocean-related multi-hazard approach, as necessary, to reduce loss of life and damage to national economies and strengthen the resilience of coastal communities to natural disasters;

171. *Takes note* of resolution XXV-13 on the global coordination of early warning and mitigation systems for tsunamis and other sea-level-related hazards,

[69] United Nations publication, Sales No. E.91.V.3.

adopted by the Assembly of the Intergovernmental Oceanographic Commission at its twenty-fifth session, held in Paris from 16 to 25 June 2009;[70]

172. *Expresses its concern* at the intentional or unintentional damage to platforms used for ocean observation and marine scientific research, such as moored buoys and tsunameters, and urges States to take necessary action and to cooperate in relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to address such damage;

XII
Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects

173. *Reiterates* the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policy-making;

174. *Notes with appreciation* the report on the "assessment of assessments" of the Group of Experts established pursuant to resolution 60/30,[3] and acknowledges the support of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission, the lead agencies of the "assessment of assessments";

175. *Takes note* of the report on the results of the "assessment of assessments" submitted by the lead agencies pursuant to resolution 60/30, which also includes, in accordance with resolution 63/111, the report of the fourth meeting of the Ad Hoc Steering Group for the "assessment of assessments", held in Paris from 15 to 17 April 2009;[3]

176. *Welcomes* the meeting of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly at its sixty-fourth session based on the outcomes of the fourth meeting of the Ad Hoc Steering Group, convened in New York from 31 August to 4 September 2009 in accordance with paragraph 157 of resolution 63/111;

177. *Endorses* the recommendations adopted by the Ad Hoc Working Group of the Whole that propose a framework for the Regular Process, describe its first cycle and a way forward and stress the need for further progress to be made on the modalities for the implementation of the Regular Process prior to the sixty-fifth session of the General Assembly;[71]

178. *Requests* the Secretary-General to convene an informal meeting of the Ad Hoc Working Group of the Whole from 30 August to 3 September 2010 to further consider and make recommendations to the General Assembly at its sixty-fifth session on the modalities for the implementation of the Regular Process, including the key features, institutional arrangements and financing, and to specify the objective and scope of its first cycle, key questions to be answered and primary target audiences, in order to ensure that assessments are relevant for decision-makers, as well as on the terms of reference for the voluntary trust fund and the scholarship fund referred to in paragraph 183 below;

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[70] See Intergovernmental Oceanographic Commission, *Twenty-fifth Session of the Assembly, Paris, 16–25 June 2009* (IOC-XXV/3), annex II.

[71] See A/64/347, annex.

179. *Invites* States, as a means to facilitate decisions on the first cycle of the Regular Process, to submit their views to the Secretary-General on the fundamental building blocks of the Regular Process, and requests the Secretary-General to present these views to the General Assembly at its sixty-fifth session in the context of his annual report on oceans and the law of the sea;

180. *Requests* the Secretary-General to invite the Chairs of the regional groups to constitute a group of experts, ensuring adequate expertise and geographical distribution, comprised of a maximum of 25 experts and no more than 5 experts per regional group, for a period up to and including the informal meeting of the Ad Hoc Working Group of the Whole referred to in paragraph 178 above;

181. *Requests* the group of experts to respond and make suggestions on the issues listed in paragraph 60 of the report on the results of the "assessment of assessments"[72] at the next meeting of the Ad Hoc Working Group of the Whole, including the possibility of conducting preparatory work, as appropriate, and subject to the availability of funds, taking into account the views and observations submitted by States;

182. *Requests* the Division to provide support for the Regular Process as noted in paragraphs 178 to 181 and 183 of the present resolution using existing resources or resources from the voluntary trust fund, in cooperation, as appropriate, with relevant United Nations specialized agencies and programmes;

183. *Requests* the Secretary-General to establish a voluntary trust fund for the purpose of supporting the operations of the first five-year cycle of the Regular Process, including for the provision of assistance to the experts referred to in paragraph 180 above from developing countries, in particular least developed countries, small island developing States and landlocked developing States, attending the meeting of the Ad Hoc Working Group of the Whole in 2010, as well as a special scholarship fund to support training programmes for developing countries, and encourages Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to contribute to the funds;

XIII
Regional cooperation

184. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in that context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

[72] See A/64/88, annex.

XIV
Open-ended Informal Consultative Process on Oceans and the Law of the Sea

185. *Welcomes* the report on the work of the Consultative Process at its tenth meeting, which focused on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings;[1]

186. *Recognizes* the role of the Consultative Process as a unique forum for comprehensive discussions on issues related to oceans and the law of the sea, consistent with the framework provided by the Convention and chapter 17 of Agenda 21,[6] and that the perspective of the three pillars of sustainable development should be further enhanced in the examination of the selected topics;

187. *Welcomes* the work of the Consultative Process and its contribution to improving coordination and cooperation between States and strengthening the annual debate of the General Assembly on oceans and the law of the sea by effectively drawing attention to key issues and current trends;

188. *Also welcomes* efforts to improve and focus the work of the Consultative Process, and in that respect recognizes the primary role of the Consultative Process in integrating knowledge, the exchange of opinions among multiple stakeholders and coordination among competent agencies, and enhancing awareness of topics, including emerging issues, while promoting the three pillars of sustainable development, and recommends that the Consultative Process devise a transparent, objective and inclusive process for the selection of topics and panellists so as to facilitate the work of the General Assembly during informal consultations concerning the annual resolution on oceans and the law of the sea;

189. *Recalls* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairs to this effect, particularly before and during the preparatory meeting for the Consultative Process, and recalls its decision in this regard, in resolution 63/111, that the eleventh meeting of the Consultative Process shall be based on the decisions taken by the General Assembly at its sixty-fourth session;

190. *Requests* the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the eleventh meeting of the Consultative Process, in New York from 21 to 25 June 2010, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

191. *Expresses its serious concern* regarding the lack of resources available in the voluntary trust fund established by resolution 55/7 for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and urges States to make additional contributions to the trust fund;

192. *Decides* that those representatives from developing countries who are invited by the co-chairs, in consultation with Governments, to make presentations during the meetings of the Consultative Process shall receive priority consideration in the disbursement of funds from the voluntary trust fund established by resolution 55/7 in order to cover the costs of their travel, and shall also be eligible to receive daily subsistence allowance subject to the availability of funds after the travel costs of all

other eligible representatives from those countries mentioned in paragraph 191 above have been covered;

193. *Also decides* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea, the Consultative Process at its eleventh meeting will focus its discussions on capacity-building in ocean affairs and the law of the sea, including marine science;

XV
Coordination and cooperation

194. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

195. *Encourages* bodies established by the Convention to strengthen coordination and cooperation, as appropriate, in fulfilling their respective mandates;

196. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

197. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

198. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

XVI
Activities of the Division for Ocean Affairs and the Law of the Sea

199. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

200. *Notes with satisfaction* the first observance by the United Nations of World Oceans Day on 8 June 2009, and invites the Division to continue to promote and facilitate international cooperation on the law of the sea and ocean affairs in the context of the future observance of World Oceans Day, as well as through its participation in other events such as the World Expo, to be held in Shanghai, China, in 2010, and in Yeosu, Republic of Korea, in 2012, and the European Maritime Day to be celebrated in Gijón, Spain, from 19 to 21 May 2010;

201. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to

ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XVII
Sixty-fifth session of the General Assembly

202. *Requests* the Secretary-General to prepare a comprehensive report, in its current extensive format and in accordance with established practice, for the consideration of the General Assembly at its sixty-fifth session, on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution, in accordance with resolutions 49/28, 52/26 and 54/33, and to make the section of the report related to the topic that is the focus of the eleventh meeting of the Consultative Process available at least six weeks in advance of the meeting of the Consultative Process;

203. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

204. *Notes* that the report referred to in paragraph 202 above will also be submitted to States Parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

205. *Also notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea and the resolution on sustainable fisheries, decides that the period of the informal consultations on both resolutions should not exceed a maximum of four weeks in total and that the consultations should be scheduled in such a way that the Division has sufficient time to produce the report referred to in paragraph 202 above, and invites States to submit text proposals for inclusion in the resolutions to the coordinators of the informal consultations at the earliest possible date;

206. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Oceans and the law of the sea".

58th plenary meeting
4 December 2009

General Assembly

Distr.: General
19 March 2010

Sixty-fourth session
Agenda item 76 (*b*)

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/64/L.29 and Add.1)*]

64/72. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its annual resolutions on sustainable fisheries, including resolution 63/112 of 5 December 2008, and other relevant resolutions,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[1] and bearing in mind the relationship between the Convention and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[2]

Welcoming the recent ratifications of and accessions to the Agreement and the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, as well as subregional and regional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

Welcoming also the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries and the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted on 12 March 2005,[3] and recognizing that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[4] and its associated

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[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] Ibid., vol. 2167, No. 37924.

[3] Food and Agriculture Organization of the United Nations, *Outcome of the Ministerial Meeting on Fisheries, Rome, 12 March 2005* (COFI: 128/INF/11), appendix B.

[4] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

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international plans of action set out principles and global standards of behaviour for responsible practices for conservation of fisheries resources and the management and development of fisheries,

Welcoming further the outcomes, including the decisions and recommendations, of the twenty-eighth session of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, held from 2 to 6 March 2009,[5]

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by, inter alia, unreported and misreported fish catch and fishing effort and that this lack of accurate data contributes to overfishing in some areas,

Recognizing the significant contribution of sustainable fisheries to food security, income, wealth and poverty alleviation for present and future generations,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of the precautionary approach and ecosystem approaches,

Expressing concern over the current and projected adverse effects of climate change on food security and the sustainability of fisheries, and noting in that regard the work of the Intergovernmental Panel on Climate Change, the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, illegal, unreported and unregulated fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity, as well as inadequate port State control, as highlighted in the report of the Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture 2008*,[6]

Concerned that a limited number of States have taken measures to implement, individually and through regional fisheries management organizations and arrangements, the International Plan of Action for the Management of Fishing Capacity adopted by the Food and Agriculture Organization of the United Nations,[7]

Recalling the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted by the Food and Agriculture Organization of the United Nations,[7]

Particularly concerned that illegal, unreported and unregulated fishing constitutes a serious threat to fish stocks and marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Concerned that some operators increasingly take advantage of the globalization of fishery markets to trade fishery products stemming from illegal,

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[5] See Food and Agriculture Organization of the United Nations, *Report of the twenty-eighth session of the Committee on Fisheries, Rome, 2–6 March 2009*, FAO Fisheries and Aquaculture Report No. 902 (FIEL/902 (En)).

[6] Available from www.fao.org/corp/publications/en.

[7] Available from www.fao.org/fishery/publications/en.

unreported and unregulated fishing and make economic profits from those operations, which constitutes an incentive for them to pursue their activities,

Recognizing that effective deterrence and combating of illegal, unreported and unregulated fishing has significant financial and other resource implications,

Recognizing also the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[8] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag, and vessels flying their flag which provide support to fishing vessels, to ensure that the activities of such fishing and support vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recalling paragraph 46 of its resolution 63/112, and welcoming in this regard the convening by the Food and Agriculture Organization of the United Nations of the Expert Consultation on Flag State Performance, held in Rome from 23 to 26 June 2009,

Noting the obligation of all States, in accordance with international law, as reflected in the relevant provisions of the Convention, to cooperate in the conservation and management of living marine resources, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of marine scientific research, data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Acknowledging the importance of ocean data buoy systems moored in areas beyond national jurisdiction to sustainable development, promoting safety at sea and limiting human vulnerability to natural disasters, due to their use in weather and marine forecasts, fisheries management, tsunami forecasts and climate prediction, and expressing concern that most damage to ocean data buoys, such as moored buoys and tsunameters, frequently results from actions taken by some fishing operations which render the buoys inoperable,

Recognizing the need for States, individually and through regional fisheries management organizations and arrangements, to continue to develop and implement, consistent with international law, effective port State measures to combat overfishing and illegal, unreported and unregulated fishing, the critical need for cooperation with developing States to build their capacity, and the importance of cooperation between the Food and Agriculture Organization of the United Nations and the International Maritime Organization in this regard,

Welcoming, in this regard, the approval by the Conference of the Food and Agriculture Organization of the United Nations of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing[9] and its opening for signature on 22 November 2009,

Concerned that marine pollution from all sources, including vessels and, in particular, land-based sources, constitutes a serious threat to human health and

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[8] United Nations, *Treaty Series*, vol. 2221, No. 39486.

[9] Food and Agriculture Organization of the United Nations, *Report of the Conference of FAO, Thirty-sixth Session, Rome 18–23 November 2009* (C 2009/REP and Corr.1), appendix E.

safety, endangers fish stocks, marine biodiversity and marine and coastal habitats and has significant costs to local and national economies,

Recognizing that marine debris is a global transboundary pollution problem and that, due to the many different types and sources of marine debris, different approaches to their prevention and removal are necessary,

Noting that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food security and poverty alleviation and, together with the efforts of other aquaculture producing countries, will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including the transfer of marine technology and in particular fisheries-related technology, to enhance the ability of such States to meet their obligations and exercise their rights under international instruments, in order to realize the benefits from fisheries resources,

Recognizing the need for appropriate measures to minimize by-catch, waste, discards, including high-grading, loss of fishing gear and other factors which adversely affect fish stocks and may also have undesirable effects on the economies and food security of small island developing States, other developing coastal States, and subsistence fishing communities,

Recognizing also the need to further integrate ecosystem approaches into fisheries conservation and management and, more generally, the importance of applying ecosystem approaches to the management of human activities in the ocean, and noting in this regard the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem,[9] the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management and the importance of this approach to relevant provisions of the Agreement and the Code, as well as decision VII/11[10] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity,

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to overexploitation, the fact that some are threatened with extinction, the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries, and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999,[11] in providing guidance on the development of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant subregional and regional fisheries management organizations and arrangements on the conservation and management of sharks, and noting with concern that basic data on shark stocks and harvests continue to be lacking, that only a small number of countries have implemented the

[9] E/CN.17/2002/PC.2/3, annex.

[10] See UNEP/CBD/COP/7/21, annex.

International Plan of Action for the Conservation and Management of Sharks, and that not all regional fisheries management organizations and arrangements have adopted conservation and management measures for directed shark fisheries and for the regulation of by-catch of sharks from other fisheries,

Expressing concern that, despite the adoption of General Assembly resolution 46/215 of 20 December 1991, the practice of large-scale pelagic drift-net fishing still exists and remains a threat to marine living resources,

Expressing concern also over reports of continued losses of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality in fishing operations, particularly longline fishing, and other activities, while recognizing considerable efforts by States and through various regional fisheries management organizations and arrangements to reduce by-catch in longline fishing,

I
Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[1] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[2]

2. *Encourages* States to give due priority to the implementation of the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation")[3] in relation to achieving sustainable fisheries, especially restoring depleted stocks to levels that can produce maximum sustainable yield on an urgent basis and, where possible, not later than 2015;

3. *Urges* States, either directly or through appropriate subregional, regional or global organizations or arrangements, to intensify efforts to assess and address, as appropriate, the impacts of global climate change on the sustainability of fish stocks and the habitats that support them;

4. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas;

5. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

6. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply widely, in accordance with international law and the Code,[4] the precautionary approach and ecosystem approaches to the conservation, management and exploitation of fish stocks, and also calls upon States

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[3] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

7. *Encourages* States to increase their reliance on scientific advice in developing, adopting and implementing conservation and management measures, and to increase their efforts to promote science for conservation and management measures, including through international cooperation, that apply, in accordance with international law, the precautionary approach and ecosystem approaches to fisheries management, enhancing understanding of ecosystem approaches, in order to ensure the long-term conservation and sustainable use of marine living resources, and in this regard encourages the implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[13] as a framework for the improvement and understanding of fishery status and trends;

8. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply stock-specific precautionary reference points, as described in Annex II to the Agreement and in the Code, to ensure that populations of harvested stocks, and, where necessary, associated or dependent species, are maintained at, or restored to, sustainable levels, and to use these reference points for triggering conservation and management action;

9. *Encourages* States to apply the precautionary approach and ecosystem approaches in adopting and implementing conservation and management measures addressing, inter alia, by-catch, pollution and overfishing, and protecting habitats of specific concern, taking into account existing guidelines developed by the Food and Agriculture Organization of the United Nations;

10. *Also encourages* States to enhance or develop observer programmes individually or through regional fisheries management organizations or arrangements in order to improve data collection on, inter alia, target and by-catch species, which could also assist monitoring, control and surveillance tools, and to take into account standards, forms of cooperation and other existing structures for such programmes as described in article 25 of the Agreement and article 5 of the Code;

11. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations required catch and effort data, and fishery-related information, in a complete, accurate and timely way, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards, and, where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and, when such obligations are not met, require the member concerned to rectify the problem, including through the preparation of plans of action with timelines;

12. *Invites* States and regional fisheries management organizations and arrangements to cooperate with the Food and Agriculture Organization of the United

[13] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24–28 February 2003*, FAO Fisheries Report No. 702 (FIPL/R702 (En)), appendix H.

Nations in the implementation and further development of the Fisheries Resources Monitoring System initiative;

13. *Reaffirms* paragraph 10 of resolution 61/105 of 8 December 2006, and calls upon States, including through regional fisheries management organizations or arrangements, to urgently adopt measures to fully implement the International Plan of Action for the Conservation and Management of Sharks for directed and non-directed shark fisheries, based on the best available scientific information, through, inter alia, limits on catch or fishing effort, by requiring that vessels flying their flag collect and regularly report data on shark catches, including species-specific data, discards and landings, undertaking, including through international cooperation, comprehensive stock assessments of sharks, reducing shark by-catch and by-catch mortality, and, where scientific information is uncertain or inadequate, not increasing fishing effort in directed shark fisheries until measures have been established to ensure the long-term conservation, management and sustainable use of shark stocks and to prevent further declines of vulnerable or threatened shark stocks;

14. *Calls upon* States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangement and national measures that regulate shark fisheries, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

15. *Calls upon* regional fisheries management organizations with the competence to regulate highly migratory species to strengthen or establish precautionary, science-based conservation and management measures, as appropriate, for sharks taken in fisheries within their convention areas consistent with the International Plan of Action for the Conservation and Management of Sharks, taking into account the Course of Actions adopted at the second joint meeting of tuna regional fisheries management organizations and arrangements, held in San Sebastian, Spain, from 29 June to 3 July 2009;

16. *Reiterates its request* to the Food and Agriculture Organization of the United Nations to prepare a report containing a comprehensive analysis of the implementation of the International Plan of Action for the Conservation and Management of Sharks, as well as progress in implementing paragraph 11 of General Assembly resolution 62/177 of 18 December 2007;

17. *Urges* States to eliminate barriers to trade in fish and fisheries products which are not consistent with their rights and obligations under the World Trade Organization agreements, taking into account the importance of the trade in fish and fisheries products, particularly for developing countries;

18. *Urges* States and relevant international and national organizations to provide for the participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

II
Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

19. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

20. *Calls upon* States parties to the Agreement to effectively implement, as a matter of priority, the provisions of the Agreement through their domestic legislation and through regional fisheries management organizations and arrangements in which they participate;

21. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, subregional and regional cooperation in enforcement, and urges continued efforts in this regard;

22. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant subregional or regional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same subregion or region of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

23. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

24. *Invites* regional fisheries management organizations and arrangements which have not yet done so to adopt procedures for high seas boarding and inspection that are consistent with articles 21 and 22 of the Agreement;

25. *Calls upon* States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence over discrete high seas fish stocks, to adopt the necessary measures to ensure the long-term conservation, management and sustainable use of such stocks in accordance with the Convention and consistent with the Code and the general principles set forth in the Agreement;

26. *Invites* States to assist developing States in enhancing their participation in regional fisheries management organizations or arrangements, including by facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1 (*b*), of the Agreement, taking into account the need to ensure that such access benefits the developing States concerned and their nationals;

27. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion

of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fisheries resources,

28. *Notes with appreciation* the contributions made by States to the Assistance Fund established under Part VII of the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions and non-governmental organizations, as well as natural and juridical persons, to make further voluntary financial contributions to the Fund;

29. *Notes with satisfaction* that the Food and Agriculture Organization of the United Nations and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division") have taken measures to publicize the availability of assistance through the Assistance Fund, and encourages the Organization and the Division to continue their efforts in this regard;

30. *Encourages* accelerated progress by States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements, regarding the recommendations of the Review Conference on the Agreement, held in New York from 22 to 26 May 2006,[14] and the identification of emerging priorities;

31. *Recalls* paragraph 31 of resolution 63/112 concerning the request to the Secretary-General to resume the Review Conference, convened pursuant to article 36 of the Agreement, which will be held in New York from 24 to 28 May 2010;

32. *Encourages* wide participation in the resumed Review Conference, in accordance with article 36 of the Agreement;

33. *Takes note* of the report of the eighth round of informal consultations of States parties to the Agreement,[15] and requests that the Secretary-General, in preparing, in cooperation with the Food and Agriculture Organization of the United Nations, the updated comprehensive report referred to in paragraph 32 of resolution 63/112, take into account the specific guidance proposed by the eighth round of informal consultations regarding that report;

34. *Recalls* paragraph 6 of resolution 56/13 of 28 November 2001, and requests the Secretary-General to convene in March 2010 a ninth round of informal consultations of States parties to the Agreement for a duration of two days, to serve primarily as a preparatory meeting for the resumed Review Conference;

35. *Requests* the Secretary-General to prepare a draft provisional agenda and draft organization of work for the resumed Review Conference and to circulate them at the same time as the provisional agenda of the ninth round of informal consultations of States parties to the Agreement, sixty days in advance of these consultations;

36. *Also requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, not parties to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions,

[14] See A/CONF.210/2006/15.

[15] ICSP8/UNFSA/REP/INF.6.

subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant intergovernmental bodies and relevant non-governmental organizations, in accordance with past practice, to attend the ninth round of informal consultations of States parties to the Agreement as observers;

37. *Reaffirms its request* that the Food and Agriculture Organization of the United Nations initiate arrangements with States for the collection and dissemination of data on fishing in the high seas by vessels flying their flag at the subregional and regional levels where no such arrangements exist;

38. *Reaffirms its request* that the Food and Agriculture Organization of the United Nations revise its global fisheries statistics database to provide information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch is taken;

III
Related fisheries instruments

39. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[5] and urges continued efforts in this regard;

40. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

41. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

42. *Urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

43. *Encourages* the development of best practice guidelines for safety at sea in connection with marine fisheries by the competent international organizations;

IV
Illegal, unreported and unregulated fishing

44. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;[7]

45. *Urges* States to exercise effective control over their nationals, including beneficial owners, and vessels flying their flag, in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing activities or supporting vessels engaging in illegal, unreported and unregulated fishing activities, including those vessels listed by regional fisheries management organizations or arrangements

as engaged in those activities, and to facilitate mutual assistance to ensure that such actions can be investigated and proper sanctions imposed;

46. *Also urges* States to take effective measures, at the national, subregional, regional and global levels, to deter the activities, including illegal, unreported and unregulated fishing, of any vessel which undermines conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with international law;

47. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

48. *Urges* States, individually and collectively through regional fisheries management organizations and arrangements, to develop appropriate processes to assess the performance of States with respect to implementing the obligations regarding fishing vessels flying their flag set out in relevant international instruments;

49. *Encourages* the Food and Agriculture Organization of the United Nations to continue its work on flag State performance, including the possible convening of a technical consultation;

50. *Reaffirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the subregional and regional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities;

51. *Urges* regional fisheries management organizations and arrangements to further coordinate measures for combating illegal, unreported and unregulated fishing activities, such as through the development of a common list of vessels identified as engaged in illegal, unreported and unregulated fishing or the mutual recognition of the illegal, unreported and unregulated vessel lists established by each organization or arrangement;

52. *Reaffirms its call upon* States to take all necessary measures consistent with international law, without prejudice to a State's sovereignty over ports in its territory and to reasons of force majeure or distress, including the prohibition of vessels from accessing their ports followed by a report to the flag State concerned, when there is clear evidence that they are or have been engaged in or have supported illegal, unreported and unregulated fishing, or when they refuse to give information either on the origin of the catch or on the authorization under which the catch has been made;

53. *Urges* enhanced action consistent with international law, including cooperation and coordination, to eliminate illegal, unreported and unregulated fishing by vessels flying "flags of convenience", to require that a "genuine link" be established between States and fishing vessels flying their flags, and to clarify the role of the "genuine link" in relation to the duty of States to exercise effective control over such vessels, and calls upon States to implement the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing[3] as a matter of priority;

54. *Recognizes* the need for enhanced port State measures to combat illegal, unreported and unregulated fishing, and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management organizations and arrangements, to adopt all necessary port measures, consistent with international law taking into account article 23 of the Agreement, and to further promote the development and application of standards at the regional level;

55. *Encourages*, in this regard, States to consider signing and ratifying, accepting, approving or acceding to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations[9] with a view to its early entry into force;

56. *Encourages* strengthened collaboration between the Food and Agriculture Organization of the United Nations and the International Maritime Organization, taking into account the respective competencies, mandates and experience of the two organizations, to combat illegal, unreported and unregulated fishing, particularly in improving the implementation of flag State responsibilities and port State measures;

57. *Encourages* States, with respect to vessels flying their flag, and port States, to make every effort to share data on landings and catch quotas, and in this regard encourages regional fisheries management organizations or arrangements to consider developing open databases containing such data for the purpose of enhancing the effectiveness of fisheries management;

58. *Calls upon* States to take all necessary measures to ensure that vessels flying their flag do not engage in trans-shipment of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing;

59. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called for in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

60. *Encourages* information-sharing regarding emerging market- and trade-related measures by States and other relevant actors with appropriate international forums, given the potential implications of these measures for all States, consistent with the established plan of work of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, and taking into account the Technical Guidelines for Responsible Fish Trade of the Food and Agriculture Organization of the United Nations;[10]

61. *Notes* the concerns about possible connections between international organized crime and illegal fishing in certain regions of the world, and encourages States, including through the appropriate international forums and organizations, to study the causes and methods of and contributing factors to illegal fishing to increase knowledge and understanding of those possible connections, and to make the findings publicly available, bearing in mind the distinct legal regimes and remedies under international law applicable to illegal fishing and international organized crime;

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[10] Available from www.fao.org/fishery/publications/technical-guidelines/en

V
Monitoring, control and surveillance and compliance and enforcement

62. *Calls upon* States, in accordance with international law, to strengthen implementation of or, where they do not exist, adopt comprehensive monitoring, control and surveillance measures and compliance and enforcement schemes individually and within those regional fisheries management organizations or arrangements in which they participate, in order to provide an appropriate framework for promoting compliance with agreed conservation and management measures, and further urges enhanced coordination among all relevant States and regional fisheries management organizations and arrangements in these efforts;

63. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

64. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems, in particular to require that vessel monitoring systems be carried by all vessels fishing on the high seas as soon as practicable, recalling that paragraph 62 of resolution 63/112 urged that large-scale fishing vessels be required to carry vessel monitoring systems no later than December 2008, and to share information on fisheries enforcement matters;

65. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to promote compliance with conservation and management measures and to identify products from illegal, unreported and unregulated catches, and encourages improved coordination among all States and regional fisheries management organizations and arrangements in sharing and using this information, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

66. *Welcomes* the decision of the Committee on Fisheries at its twenty-eighth session that the Food and Agriculture Organization of the United Nations should develop a comprehensive global record of fishing vessels, refrigerated transport vessels, and supply vessels;

67. *Requests* States and relevant international bodies to develop, in accordance with international law, more effective measures to trace fish and fishery products to enable importing States to identify fish or fishery products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, taking into account the special requirements of developing States and the forms of cooperation with developing States as set out in article 25 of the Agreement, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fishery products caught in a manner that is in conformity with such international measures;

68. *Requests* States to take the necessary measures, consistent with international law, to help to prevent fish and fishery products caught in a manner

that undermines applicable conservation and management measures adopted in accordance with international law from entering international trade;

69. *Welcomes* the decision of the Committee on Fisheries at its twenty-eighth session that the Food and Agriculture Organization of the United Nations should develop best practice guidelines for catch documentation schemes and for traceability for consideration by the Sub-Committee on Fish Trade at its next session;

70. *Encourages* States to establish and undertake cooperative surveillance and enforcement activities in accordance with international law to strengthen and enhance efforts to ensure compliance with conservation and management measures, and prevent and deter illegal, unreported and unregulated fishing;

71. *Urges* States, directly and through regional fisheries management organizations or arrangements, to develop and adopt effective monitoring, control and surveillance measures for trans-shipment, as appropriate, in particular at-sea trans-shipment, in order to, inter alia, monitor compliance, collect and verify fisheries data, and to prevent and suppress illegal, unreported and unregulated fishing activities, in accordance with international law, and, in parallel, to encourage and support the Food and Agriculture Organization of the United Nations in studying the current practices of trans-shipment and produce a set of guidelines for this purpose;

72. *Expresses its appreciation* for financial contributions from States to improve the capacity of the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, and encourages States to join and actively participate in the Network and to consider supporting, when appropriate, its transformation in accordance with international law into an international unit with dedicated resources to further assist Network members, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

VI
Fishing overcapacity

73. *Calls upon* States to commit themselves to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks, including, inter alia, those areas where fish stocks are overexploited or in a depleted condition, and recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code, and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity;

74. *Reiterates its call upon* States, individually and through regional fisheries management organizations and arrangements, to ensure that the urgent actions required in the International Plan of Action for the Management of Fishing Capacity are undertaken expeditiously and that its implementation is facilitated without delay;

75. *Invites* the Food and Agriculture Organization of the United Nations to report on the state of progress in the implementation of the International Plan of

Action for the Management of Fishing Capacity, as provided for in paragraph 18 of the Plan of Action;

76. *Notes* that the second joint meeting of the five regional tuna management organizations with competence to regulate highly migratory species, held in San Sebastian, Spain, from 29 June to 3 July 2009, agreed, in its Conclusions and Actions, that global fishing capacity for tunas had to be addressed urgently and, inter alia, in a way which recognized the legitimate rights of developing States, in particular small island developing States, to participate in and benefit from such fisheries;

77. *Encourages* those States which are cooperating to establish subregional and regional fisheries management organizations and arrangements, taking into account the best scientific information available as well as the precautionary approach, to exercise voluntary restraint of fishing effort levels in those areas that will come under the regulation of the future organizations and arrangements, where adequate regional conservation and management measures are identified and implemented, taking into account the need to ensure the long-term conservation, management and sustainable use of the relevant fish stocks and to prevent significant adverse impacts on vulnerable marine ecosystems;

78. *Urges* States to eliminate subsidies that contribute to overfishing and overcapacity and to illegal, unreported and unregulated fishing, including through completion of World Trade Organization negotiations on fisheries subsidies in accordance with the 2001 Doha Ministerial Declaration[7] and the 2005 Hong Kong Ministerial Declaration[8] to strengthen disciplines on fisheries subsidies, taking into account the importance of the fisheries sector, including small-scale and artisanal fisheries, to developing countries;

VII
Large-scale pelagic drift-net fishing

79. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and to article 1, paragraph 2 (b), of the Agreement to enforce fully the measures recommended in those resolutions in order to eliminate the use of large-scale pelagic drift nets in all seas and oceans, which means that efforts to implement resolution 46/215 should not result in the transfer to other parts of the world of drift nets that contravene the resolution;

VIII
Fisheries by-catch and discards

80. *Urges* States, subregional and regional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action, including with consideration of the interests of developing coastal States and, as appropriate, subsistence fishing communities, to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider

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[7] A/C.2/56/7, annex.

[8] World Trade Organization, document WT/MIN(05)/DEC. Available from http://docsonline.wto.org.

measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring the confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish, and to ensure that these measures are implemented so as to optimize their effectiveness;

81. *Welcomes* the support of the Committee on Fisheries at its twenty-eighth session for the development of international guidelines on by-catch management and the reduction of discards,[9] and the convening by the Food and Agriculture Organization of the United Nations of an expert consultation to be followed by a technical consultation to develop such international guidelines;

82. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in subregional and regional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

83. *Encourages* States to strengthen, if necessary, the capacity of those subregional and regional fisheries management organizations and arrangements in which they participate to ensure the adequate conservation of non-target species taken incidentally in fishing operations, taking into consideration best practices for non-target species management, and to expedite their ongoing efforts in this regard;

84. *Requests* States and regional fisheries management organizations and arrangements to urgently implement, as appropriate, the measures recommended in the 2004 Guidelines to Reduce Sea Turtle Mortality in Fishing Operations[10] and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations,[5] in order to prevent the decline of sea turtles and seabird populations by minimizing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and establishing and strengthening data-collection programmes to obtain standardized information to develop reliable estimates of the by-catch of these species;

85. *Welcomes* the decision of the Committee on Fisheries at its twenty-eighth session that the Food and Agriculture Organization of the United Nations should publish the best practices technical guidelines for the implementation of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries;[5]

86. *Notes* measures for the protection of seabirds, including those adopted at the Third Session of the Meeting of Parties to the Agreement on the Conservation of Albatrosses and Petrels, held in Bergen, Norway, from 27 April to 1 May 2009, in relation to albatrosses and petrels;

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[10] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on Sea Turtles Conservation and Fisheries, Bangkok, 29 November–2 December 2004*, FAO Fisheries Report No. 765 (FIRM/R765 (En)), appendix E.

IX
Subregional and regional cooperation

87. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention, the Agreement and other relevant instruments, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

88. *Urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement, or to otherwise ensure that no vessel flying their flag is authorized to access the fisheries resources to which regional fisheries management organizations and arrangements or conservation and management measures established by such organizations or arrangements apply;

89. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention, the Agreement and the Code;

90. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stocks, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

91. *Urges* all signatory States and other States whose vessels fish within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean[29] for fishery resources covered by that Convention to become parties to that Convention as a matter of priority and, in the interim, to ensure that vessels flying their flags fully comply with the measures adopted;

92. *Encourages* signatory States and States having a real interest to become parties to the South Indian Ocean Fisheries Agreement, and urges those States to agree on and implement interim measures, including measures in accordance with paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of the present resolution, to ensure the conservation and management of the fisheries resources and their marine ecosystems and habitats in the area to which that Agreement applies until such time as that Agreement enters into force;

93. *Takes note* of recent efforts at the regional level to promote responsible fishing practices, including combating illegal, unreported and unregulated fishing;

[29] United Nations, *Treaty Series*, vol. 2221, No. 39489.

94. *Welcomes with satisfaction* the adoption of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean in Auckland, New Zealand, on 14 November 2009, encourages the States and the regional economic integration organization and the entities referred to in article 1, paragraph 2 (*b*), of that Convention that participated in its negotiation, to sign it when it is opened for signature on 1 February 2010, and to implement fully the voluntary interim measures that have been adopted to give effect to paragraphs 80 and 83 to 87 of resolution 61/105 and to voluntarily restrain fishing effort and catches to avoid overexploitation of certain pelagic fisheries resources in the area to which that Convention will apply until it has entered into force and conservation and management measures have been adopted;

95. *Notes with satisfaction* the progress of negotiations to establish a subregional and regional fisheries management organization in the North Pacific, urges States having a real interest to participate in and expedite such negotiations, and to apply provisions of the Convention and the Agreement to their work, and encourages those participants to implement fully interim measures adopted in accordance with paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of the present resolution;

96. *Takes note* of the ongoing efforts of the members of the Indian Ocean Tuna Commission to strengthen the functioning of the Commission so that it can more effectively discharge its mandate, and invites the Food and Agriculture Organization of the United Nations to continue to provide members of the Commission with the necessary assistance to this end;

97. *Urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, in accordance with international law, to strengthen and modernize their mandates and the measures adopted by such organizations or arrangements, and to implement modern approaches to fisheries management, as reflected in the Agreement and other relevant international instruments, relying on the best scientific information available and application of the precautionary approach and incorporating an ecosystem approach to fisheries management and biodiversity considerations, where these aspects are lacking, to ensure that they effectively contribute to long-term conservation and management and sustainable use of marine living resources;

98. *Calls upon* regional fisheries management organizations with the competence to conserve and manage highly migratory fish stocks that have not yet adopted effective conservation and management measures in line with the best scientific information available to conserve and manage stocks falling under their mandate to do so urgently;

99. *Urges* States to strengthen and enhance cooperation among existing and developing regional fisheries management organizations and arrangements in which they participate, including increased communication and further coordination of measures, such as through the holding of joint consultations, and to strengthen integration, coordination and cooperation by such regional fisheries management organizations and arrangements with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

100. *Welcomes* the second joint meeting of the five regional fisheries management organizations with competence to manage highly migratory species, and urges those regional fisheries management organizations to take immediate measures towards implementing the Course of Actions adopted at that meeting;

101. *Urges* regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on the best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights, including through, inter alia, the development of transparent criteria for allocating fishing opportunities which reflects, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery;

102. *Welcomes* the fact that a number of regional fisheries management organizations and arrangements have completed performance reviews, and encourages the implementation, as appropriate, of the recommendations of their respective reviews as a matter of priority;

103. *Urges* States, through their participation in regional fisheries management organizations and arrangements that have not done so, to undertake, on an urgent basis, performance reviews of those regional fisheries management organizations and arrangements, initiated either by the organization or arrangement itself or with external partners, including in cooperation with the Food and Agriculture Organization of the United Nations, using transparent criteria based on the provisions of the Agreement and other relevant instruments, and taking into account the best practices of regional fisheries management organizations or arrangements and, as appropriate, any set of criteria developed by States or other regional fisheries management organizations or arrangements, and encourages that such performance reviews include some element of independent evaluation and propose means for improving the functioning of the regional fisheries management organization or arrangement, as appropriate;

104. *Encourages* regional fisheries management organizations and arrangements to make the results of those performance reviews publicly available and to discuss the results jointly;

105. *Urges* States to cooperate, taking into account those performance reviews, to develop best practice guidelines for regional fisheries management organizations and arrangements and to apply, to the extent possible, those guidelines to organizations and arrangements in which they participate;

106. *Encourages* the development of regional guidelines for States to use in establishing sanctions for non-compliance by vessels flying their flag and by their nationals, to be applied in accordance with national law, that are adequate in severity for effectively securing compliance, deterring further violations and depriving offenders of the benefits deriving from their illegal activities, as well as in evaluating their systems of sanctions to ensure that they are effective in securing compliance and deterring violations;

X

Responsible fisheries in the marine ecosystem

107. *Encourages* States to apply by 2010 the ecosystem approach, in accordance with paragraph 30 (*f*) of the Johannesburg Plan of Implementation;

108. *Also encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

109. *Calls upon* States and regional fisheries management organizations or arrangements, working in cooperation with other relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to adopt, as appropriate, measures to protect ocean data buoy systems moored in areas beyond national jurisdiction from actions that impair their operation;

110. *Encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

111. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects, and in this regard encourages the implementation of the 2007 Strategy and Outline Plan for Improving Information on Status and Trends of Aquaculture of the Food and Agriculture Organization of the United Nations,[21] as a framework for the improvement and understanding of aquaculture status and trends;

112. *Expresses its appreciation* to the Secretary-General for the report on the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 83 to 90 of resolution 61/105;[22]

113. *Calls upon* States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with the precautionary approach and ecosystem approaches, to implement the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations ("the Guidelines")[23] in order to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, recognizing the immense importance and value of deep sea ecosystems and the biodiversity they contain;

114. *Reaffirms* the importance of paragraphs 80 to 91 of resolution 61/105 addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks and the actions called for in that resolution, and emphasizes the need for full implementation by all States and relevant regional fisheries management organizations or arrangements of their commitments under those paragraphs on an urgent basis;

115. *Recalls* that nothing in the paragraphs of resolution 61/105 and the present resolution addressing the impacts of bottom fishing on vulnerable marine

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[21] Food and Agriculture Organization of the United Nations, *Decisions and Recommendations of the Third Session of the Sub-Committee on Aquaculture, Twenty-seventh Session of the Committee on Fisheries, Rome, 5–9 March 2007* (COFI/2007/5), appendix.

[22] A/64/305.

[23] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on International Guidelines for the Management of Deep-sea Fisheries in the High Seas, Rome, 4–8 February and 25–29 August 2008*, FAO Fisheries and Aquaculture Report No. 881 (FIDI/R881 (En)), appendix F.

ecosystems prejudices the sovereign rights of coastal States over their continental shelf or the exercise of the jurisdiction of coastal States with respect to their continental shelf under international law as reflected in the Convention, in particular article 77;

116. *Welcomes* the important progress made by States, regional fisheries management organizations or arrangements and those States participating in negotiations to establish a regional fisheries management organization or arrangement competent to regulate bottom fisheries to implement paragraphs 80 and 83 to 87 of resolution 61/105 and address the impacts of bottom fishing on vulnerable marine ecosystems;

117. *Also welcomes* the substantial work of the Food and Agriculture Organization of the United Nations related to the management of deep sea fisheries in the high seas and the protection of vulnerable marine ecosystems, in particular the development and adoption of the Guidelines, and urges States and regional fisheries management organizations or arrangements to ensure that their actions in sustainably managing deep sea fisheries and implementing paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 119, 120 and 122 to 124 of the present resolution are consistent with the Guidelines;

118. *Notes with concern* that, despite the progress made, the urgent actions called for in paragraphs 80 and 83 to 87 of resolution 61/105 have not been sufficiently implemented in all cases;

119. *Considers* that, on the basis of the review carried out in accordance with paragraph 91 of resolution 61/105, further actions in accordance with the precautionary approach, ecosystem approaches and international law are needed to strengthen the implementation of paragraphs 80 and 83 to 87 of resolution 61/105, and in this regard calls upon regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries, States participating in negotiations to establish such organizations or arrangements, and flag States to take the following urgent actions in areas beyond national jurisdiction:

(*a*) Conduct the assessments called for in paragraph 83 (*a*) of resolution 61/105, consistent with the Guidelines, and ensure that vessels do not engage in bottom fishing until such assessments have been carried out;

(*b*) Conduct further marine scientific research and use the best scientific and technical information available to identify where vulnerable marine ecosystems are known to occur or are likely to occur and adopt conservation and management measures to prevent significant adverse impacts on such ecosystems consistent with the Guidelines, or close such areas to bottom fishing until conservation and management measures have been established, as called for in paragraph 83 (*c*) of resolution 61/105;

(*c*) Establish and implement appropriate protocols for the implementation of paragraph 83 (*d*) of resolution 61/105, including definitions of what constitutes evidence of an encounter with a vulnerable marine ecosystem, in particular threshold levels and indicator species, based on the best available scientific information and consistent with the Guidelines, and taking into account any other conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems, including those based on the results of assessments carried out pursuant to paragraph 83 (*a*) of resolution 61/105 and paragraph 119 (*a*) of the present resolution;

(d) Adopt conservation and management measures, including monitoring, control and surveillance measures, on the basis of stock assessments and the best available scientific information, to ensure the long-term sustainability of deep sea fish stocks and non-target species, and the rebuilding of depleted stocks, consistent with the Guidelines; and, where scientific information is uncertain, unreliable, or inadequate, ensure that conservation and management measures are established consistent with the precautionary approach, including measures to ensure that fishing effort, fishing capacity and catch limits, as appropriate, are at levels commensurate with the long-term sustainability of such stocks;

120. *Calls upon* flag States, members of regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries and States participating in negotiations to establish such organizations or arrangements to adopt and implement measures in accordance with paragraphs 83, 85 and 86 of resolution 61/105, paragraph 119 of the present resolution, and international law, and consistent with the Guidelines, and not to authorize bottom fishing activities until such measures have been adopted and implemented;

121. *Recognizes* the special circumstances and requirements of developing States and the specific challenges they may face in giving full effect to certain technical aspects of the Guidelines, and that implementation by such States of paragraphs 83 to 87 of resolution 61/105, paragraph 119 of the present resolution and the Guidelines should proceed in a manner that gives full consideration to section 6 of the Guidelines on special requirements of developing countries";

122. *Calls upon* States and regional fisheries management organizations or arrangements to enhance efforts to cooperate to collect and exchange scientific and technical data and information related to the implementation of the measures called for in the relevant paragraphs of resolution 61/105 and the present resolution to manage deep sea fisheries in areas beyond national jurisdiction and to protect vulnerable marine ecosystems from significant adverse impacts of bottom fishing, by, inter alia:

(a) Exchanging best practices and developing, where appropriate, regional standards for use by States engaged in bottom fisheries in areas beyond national jurisdiction and regional fisheries management organizations or arrangements with a view to examining current scientific and technical protocols and promoting consistent implementation of best practices across fisheries and regions, including assistance to developing States in accomplishing these objectives;

(b) Making publicly available, consistent with domestic law, assessments of whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems and the measures adopted in accordance with paragraphs 83, 85 and 86, as appropriate, of resolution 61/105, and promoting the inclusion of this information on the websites of regional fisheries management organizations or arrangements;

(c) Submission by flag States to the Food and Agriculture Organization of the United Nations of a list of those vessels flying their flag authorized to conduct bottom fisheries in areas beyond national jurisdiction, and the measures they have adopted to give effect to the relevant paragraphs of resolution 61/105 and the present resolution;

(d) Sharing information on vessels that are engaged in bottom fishing operations in areas beyond national jurisdiction where the flag State responsible for such vessels cannot be determined;

123. *Encourages* States and regional fisheries management organizations or arrangements to develop or strengthen data collection standards, procedures and protocols and research programmes for identification of vulnerable marine ecosystems, assessment of impacts on such ecosystems, and assessment of fishing activities on target and non-target species, consistent with the Guidelines and in accordance with the Convention, including Part XIII thereof;

124. *Calls upon* relevant States to cooperate and make efforts to establish, as appropriate, regional fisheries management organizations or arrangements competent to regulate bottom fisheries in areas beyond national jurisdiction where there are no such organizations or arrangements;

125. *Expresses its appreciation* to the Food and Agriculture Organization of the United Nations for its important work to provide expert technical advice on the management of deep sea fisheries in areas beyond national jurisdiction and the protection of vulnerable marine ecosystems from the impacts of fishing, and encourages the Organization in its further work related to the implementation of the Guidelines;

126. *Welcomes* the programme proposal for deep sea fisheries in the high seas on ensuring sustainable use of marine resources and protection of vulnerable marine ecosystems of the Food and Agriculture Organization of the United Nations, including the development of support tools and a database on vulnerable marine ecosystems, and invites States to support the programme so that its elements may be finalized as a matter of priority;

127. *Invites* the Food and Agriculture Organization of the United Nations, working with other relevant international governmental organizations, to consider means to support flag States and regional fisheries management organizations or arrangements in their implementation of paragraphs 83 to 87 of resolution 61/105, paragraphs 119 to 122 of the present resolution and the Guidelines;

128. *Requests* the Secretary-General to convene, within existing resources, within the time made available for the informal consultations on the sustainable fisheries resolution and without prejudice to future arrangements, a two-day workshop in 2011 in order to discuss implementation of paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of the present resolution, and invite States, the Food and Agriculture Organization of the United Nations and other relevant specialized agencies, funds and programmes, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant intergovernmental bodies, and relevant non-governmental organizations and stakeholders, in accordance with United Nations practice, to attend the workshop;

129. *Decides* to conduct a further review in 2011 of the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of the present resolution, with a view to ensuring effective implementation of the measures and to make further recommendations, where necessary, and taking into account the discussions during the workshop referred to in paragraph 128 above;

130. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to include in his report on fisheries to the General Assembly at its sixty-sixth session a section on the actions taken by States and regional fisheries management organizations and arrangements in

response to paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of the present resolution, and invites States and regional fisheries management organizations and arrangements to consider making such information publicly available;

131. *Encourages* accelerated progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes, and in this regard welcomes the proposed work of the Food and Agriculture Organization of the United Nations to develop technical guidelines in accordance with the Convention and the Code on the design, implementation and testing of marine protected areas for such purposes, and urges coordination and cooperation among all relevant international organizations and bodies;

132. *Urges* all States to implement the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[34] and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

133. *Reaffirms* the importance it attaches to paragraphs 72 to 81 of resolution 60/31 concerning the issue of lost, abandoned or discarded fishing gear and related marine debris and the adverse impacts such debris and derelict fishing gear have on, inter alia, fish stocks, habitats and other marine species, and urges accelerated progress by States and regional fisheries management organizations and arrangements in implementing those paragraphs of the resolution;

XI
Capacity-building

134. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant subregional and regional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and its associated international plans of action, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

135. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including the development of a code of conduct and guidelines for enhancing the contribution of small-scale fisheries to poverty alleviation and food security that include adequate provisions with regard to financial measures and capacity-building, including transfer of technology, and encourages studies for creating possible alternative livelihoods for coastal communities;

136. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability;

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[34] See A/51/116, annex II.

137. *Encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law, in particular the Convention and the Agreement, and taking into account article 5 of the Code;

138. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, including by giving greater attention to fish processing and fish-processing facilities within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources, and also the transfer of technology and assistance for monitoring, control and surveillance and compliance and enforcement within areas under the national jurisdiction of the developing coastal State providing fisheries access, taking into account the forms of cooperation set out in article 25 of the Agreement and article 5 of the Code;

139. *Encourages* States, individually and through regional fisheries management organizations and arrangements, to provide greater assistance and to promote coherence in such assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including in designing and strengthening their domestic regulatory fisheries policies and those of regional fisheries management organizations or arrangements in their regions, and the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FishCode programme, the World Bank's global programme on fisheries and the Global Environment Facility;

140. *Encourages* States to provide technical and financial support to developing countries to address their special requirements and challenges in implementing the Guidelines;

141. *Calls upon* States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratification of or accession to the Agreement by seeking to address, inter alia, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties;

142. *Notes with appreciation* the compilation prepared by the Secretariat of the needs of developing States for capacity-building and assistance in the conservation and management of straddling fish stocks and highly migratory fish stocks and the sources of available assistance for developing States to address such needs;[25]

[25] Available from www.un.org/Depts/los/convention_agreements/fishstockmeetings_compilation2008updated.pdf.

143. *Encourages* States, regional fisheries management organizations and arrangements and other relevant bodies to assist developing States in the implementation of the actions called for in paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 113 and 119 to 124 of the present resolution;

XII
Cooperation within the United Nations system

144. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

145. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

XIII
Sixty-fifth session of the General Assembly

146. *Requests* the Secretary-General to bring the present resolution to the attention of all States, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, subregional and regional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

147. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, subregional and regional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

148. *Decides* to include in the provisional agenda of its sixty-fifth session, under the item entitled "Oceans and the law of the sea", the sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

58th plenary meeting
4 December 2009